

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Andrew J. Ries	Examiner:	Alyssa M. Alter
Serial No.	10/632,058	Group Art Unit:	3762
Filing Date:	July 31, 2003	Docket No.:	P0011122.00
Title:	SMALL FORMAT CONNECTOR CLIP OF AN IMPLANTABLE MEDICAL DEVICE		

Supplement to Appeal Brief

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following Brief is submitted pursuant to the Notice of Non-compliant Appeal Brief mailed November 18, 2009. A substitute Section VI follows. A terminal disclaimer, inadvertently omitted in conjunction with filing of the appeal brief is also submitted herewith.

Any required fee will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.16, 1.17, 1.136(a), or any additional fees to Deposit Account 13-2546.

VI. Grounds of rejection to be reviewed on appeal

A. Double patenting – US Application Serial No. 10/632,026

Claims 1, 3 – 9, 11 – 12, 14 – 15, 17 – 23, 25 – 26 and 28 stand provisionally rejected based upon the judicially created doctrine of obviousness-type double patenting as being unpatentable claims 1-48 of co-pending U.S. Patent Application No. 10/632,026 (U.S. Patent Publication No. 2005/0027325).

This rejection is respectfully appealed

B. Double patenting - US Application Serial No. 10/632,028

Claims 1, 3 – 9, 11 – 12, 14 – 15, 17 – 23, 25 – 26 and 28 stand provisionally rejected based upon the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of co-pending U.S. Patent Application No. 10/632,028 (U.S. Patent Publication No. 2005/0027326)

As the cited application now has received a notice of allowance, this rejection is no longer appealed. A terminal disclaimer with regard to this application is submitted herewith.

The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546 for entry of the instant Response.

Respectfully submitted,

Date: December 11, 2009

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VIII. Claims Appendix

The claims on appeal are as follows:

1. A connector assembly for detachably connecting a lead to an implantable medical device, comprising:

 a first deflectable connector clip including a first arm, a second arm, and a top portion extending between the first arm and the second arm;

 a housing having a first member and a second member, the first member having a first outer surface forming an annular shelf and the second member having a second outer surface and a cylindrical rim extending outward along and perpendicular to an outer edge of the second outer surface, the annular shelf of the first member formed to receive the cylindrical rim to be fixedly engaged with the second member to retain the first connector clip within the housing, the engaged first member and the second member forming an aperture for receiving the lead;

 a first inner surface of the first member extending from the aperture to the first outer surface and a second inner surface of the second member extending from the aperture to the second outer surface;

 a first deflection portion extending outward from at least one of the first inner surface and the second inner surface along the top portion of the first deflectable clip; and

 a second deflection portion extending outward from the at least one of the first inner surface and the second inner surface to be positioned between the first arm and the second arm, the second deflection portion deflecting the connector clip, prior to insertion of the lead between the first arm and the second arm, from a first position corresponding to a first distance between the first arm and the second arm, to a second position corresponding to a second distance between the first arm and the second arm, wherein the second distance is greater than the first distance.

2. (Canceled)

3. The connector assembly of claim 1, wherein the housing and the connector clip are formed of an electrically conductive metal.

4. The connector assembly of claim 3, wherein the electrically conductive metal is stainless steel.

5. The connector assembly of claim 1, wherein the first arm and the second arm are engaged against the lead as the lead is advanced through the aperture to further deflect the first arm and the second arm from the second position to a third position.

6. The connector assembly of claim 5, wherein the second deflection portion extends between a first end and a second end, and the first arm and the second arm are engaged against the first end and the second end, respectively, when the connector clip is in the second position.

7. The connector assembly of claim 6, wherein the first arm and the second arm extend a distance outward from the first end and the second end, respectively, when the connector clip is in the third position.

8. The connector assembly of claim 1, further comprising:

 a second deflectable connector clip including a first arm, a second arm arm, and a top portion extending between the first arm and the second arm of the second connector clip;

 a third deflection portion extending outward from the other of the first inner surface and the second inner surface along the top portion of the second connector clip; and

 a fourth deflection portion, extending outward from the other of the first inner surface and the second inner surface to be positioned between the first arm and the second arm of the second connector clip, deflecting the second connector clip from the first position to the second position.

9. The connector assembly of claim 8, wherein the first connector clip is positioned generally perpendicular to the second connector clip.

10. (Canceled)

11. The connector assembly of claim 8, wherein the first arm and the second arm of the first connector clip and the first arm and the second arm of the second connector clip are engage against the lead as the lead is advanced through the aperture to further deflect the first arm and the second arm of the first connector clip and the first arm and the second arm of the second connector clip from the second position to a third position.

12. The connector assembly of claim 10, wherein the first arm and the second arm of the first connector clip are positioned outward from the second deflection portion and the first arm and the second arm of the second connector clip are positioned outward from the fourth deflection portion when the first connector clip and the second connector clip are in the third position.

13. (Canceled)

14. The connector assembly of claim 1, wherein ends of the first arm and the second arm include tapered portions to provide clearance between the ends and the housing.

15. An implantable medical device capable of being detachably connected to a lead, comprising:

 a first deflectable connector clip including a first arm, a second arm, and a top portion extending between the first arm and the second arm;

 a housing having a first member and a second member, the first member having a first outer surface forming an annular shelf extending radially outward from an edge of a main surface and terminating at an outer edge of the first member, and the second

member having a second outer surface and a cylindrical rim extending outward along and perpendicular to an outer edge of the second outer surface, the annular shelf of the first member formed to receive and fixedly engage with the cylindrical rim of the second member to retain the first connector clip within the housing, the engaged first member and the second member forming an aperture for receiving the lead;

 a first inner surface of the first member extending from the aperture to the first outer surface and a second inner surface of the second member extending from the aperture to the second outer surface;

 a first deflection portion extending outward from at least one of the first inner surface and the second inner surface along the top portion of the first deflectable clip; and

 a second deflection portion extending outward from the at least one of the first inner surface and the second inner surface to be positioned between the first arm and the second arm, the second deflection portion deflecting the connector clip, prior to insertion of the lead between the first arm and the second arm, from a first position corresponding to a first distance between the first arm and the second arm, to a second position corresponding to a second distance between the first arm and the second arm, wherein the second distance is greater than the first distance.

16. (Canceled)

17. The device of claim 15, wherein the housing and the connector clip are formed of an electrically conductive metal.

18. The device of claim 17, wherein the electrically conductive metal is stainless steel.

19. The device of claim 15, wherein the first arm and the second arm are engage against the lead as the lead is advanced through the aperture to further deflect the first arm and the second arm from the second position to a third position.

20. The device of claim 19, wherein the second deflection portion extends between a first end and a second end, and the first arm and the second arm are engaged against the first end and the second end, respectively, when the connector clip is in the second position.

21. The device of claim 20, wherein the first arm and the second arm extend a distance outward from the first end and the second end, respectively, when the connector clip is in the third position.

22. The device of claim 15, further comprising:

a second deflectable connector clip including a first arm, a second arm, and a top portion extending between the first arm and the second arm of the second connector clip;

a third deflection portion extending outward from the other of the first inner surface and the second inner surface along the top portion of the second connector clip; and

a fourth deflection portion, extending outward from the other of the first inner surface and the second inner surface to be positioned between the first arm and the second arm of the second connector clip, deflecting the second connector clip from the first position to the second position.

23. The device of claim 22, wherein the first connector clip is positioned generally perpendicular to the second connector clip.

24. (Canceled)

25. The device of claim 22, wherein the first arm and the second arm of the first connector clip and the first arm and the second arm of the second connector clip are engage against the lead as the lead is advanced through the aperture to further deflect

the first arm and the second arm of the first connector clip and the first arm and the second arm of the second connector clip from the second position to a third position.

26. The device of claim 24, wherein the first arm and the second arm of the first connector clip are positioned outward from the second deflection portion and the first arm and the second arm of the second connector clip are positioned outward from the fourth deflection portion when the first connector clip and the second connector clip are in the third position.

27. (Canceled)

28. The device of claim 15, wherein ends of the first arm and the second arm include tapered portions to provide clearance between the ends and the housing.

29. The connector assembly of claim 1, wherein the first deflectable clip is anchored to the housing by the first deflection portion of the second member prior to insertion of the lead.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.